

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATASHA M. SHEIN,

Plaintiff,

v.

MEALTHY INC.,

Defendant.

CASE NO. 3:23-cv-05352-DGE

ORDER GRANTING SECOND
MOTION FOR ALTERNATIVE
SERVICE (DKT. NO. 12)

On October 2, 2023, the Court granted Plaintiff's motion to effect service on Casey Musick, CEO of Mealthy. (Dkt. No. 10.)

On October 23, 2023, Plaintiff filed a "Suggestion of Death" stating, upon information and belief, that Musick recently died. (Dkt. No. 11.) The same day, Plaintiff filed her second motion for alternative service. (Dkt. No. 12.) Plaintiff seeks to effect alternative service upon MVP Holdings, the parent company of Mealthy, in lieu of direct service upon Musick. (*Id.*)


Federal Rule of Civil Procedure 4(h) authorizes a party to serve a domestic corporation located in a judicial district of the United States "in the manner prescribed by Rule 4(e)(1) for

1 serving an individual or ... by delivering a copy of the summons and of the complaint to an
2 officer, a managing or general agent, or any other agent authorized by appointment or by law to
3 receive service of process and . . . by also mailing a copy to each to the defendant.” Fed. R. Civ.
4 P. 4(h).

5 Any alternative service must comport with due process such that it is “reasonably
6 calculated, under all the circumstances, to apprise interested parties of the pendency of the action
7 and afford them an opportunity to present their objections.” *Mullane v. Cent. Hanover Bank &*
8 *Tr. Co.*, 339 U.S. 306, 314 (1950). The party effecting service must submit proof of service to
9 the court by the server's affidavit. *See* Fed. R. Civ. P. 4(l)(1) (“Unless service is waived, proof of
10 service must be made to the court. Except for service by a United States marshal or deputy
11 marshal, proof must be by the server's affidavit.”).

12 The Court finds service upon Mealthy’s parent company will sufficiently apprise Mealthy
13 of the pendency of this action. Plaintiff’s second motion for alternative service (Dkt. No. 12) is
14 GRANTED. Plaintiff may effect service upon MVP Holdings, Inc. in a manner that complies
15 with the Federal Civil Rules.

16 Dated this 27th day of November, 2023.

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21 David G. Estudillo
22 United States District Judge
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